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| 09/833,740      | 04/13/2001  | Daniel J. Drucker    | 016777-0463         | 2882             |

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EXAMINER

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

8/12

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

**Application No.**

09/833,740

**Applicant(s)**

DRUCKER ET AL.

**Examiner**

Scott D. Priebe

**Art Unit**

1632

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on \_\_\_\_\_ is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The final rejection of claims 1-5 and 9-11 under 35 USC 112, first para. included two separate issues. The original issue was of inadequate written description of the claimed subject matter, which is addressed in the brief along with the related rejection under 35 USC 112, second para. The second issue under 35 USC 112, first para. was of new matter introduced into the claims by the amendment filed 3/17/03, which is not addressed in the brief. This issue was raised on page 5, first full para., of the final rejection concerning the amendments to claim 1 and new claims 9-11. It is noted that the paragraphs of the specification cited in the brief also fail to support the amendments to claims 1 and new claims 9-11. Also, since the amendment filed 2/6/04 has been entered, the remarks in the brief concerning "proposed amendments" to claims 9-11 should be removed.

*Scott D. Priebe*

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Primary Examiner  
Art Unit: 1632